

SENATE BILL No. 115

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-24-8.

Synopsis: Eminent domain for carbon dioxide pipeline. Permits an entity engaged in the transportation of carbon dioxide by pipeline to acquire real property by eminent domain.

Effective: July 1, 2010.

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January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 115

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 32-24-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 8. Eminent Domain for Transportation of Carbon Dioxide by Pipeline

Sec. 1. Because the transportation of carbon dioxide by pipeline in Indiana for sequestration, enhanced oil recovery, and other purposes can:

(1) assist efforts to reduce carbon dioxide emissions from:

(A) the generation of electricity; and

(B) the manufacture of gas using coal; and

(2) promote economic development in Indiana;

the transportation of carbon dioxide by pipeline in Indiana is declared to be a public use and service, in the public interest, and a benefit to the welfare of Indiana and the people of Indiana.

Sec. 2. As used in this chapter, "carbon dioxide" means a fluid consisting of more than ninety percent (90%) carbon dioxide



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1 molecules compressed to a supercritical state.

2 Sec. 3. As used in this chapter, "pipeline" means all parts of
3 physical facilities through which carbon dioxide can move in
4 transportation, including the following:

- 5 (1) Pipe.
- 6 (2) Valves and other appurtenances attached to pipe.
- 7 (3) Compressor units.
- 8 (4) Metering stations.
- 9 (5) Regulator stations.
- 10 (6) Delivery stations.
- 11 (7) Holders.
- 12 (8) Fabricated assemblies.

13 The term excludes motor vehicles of all kinds.

14 Sec. 4. As used in this chapter, "transportation" means the
15 physical movement of carbon dioxide by pipeline conducted for:

- 16 (1) a person's own use or account; or
- 17 (2) the use or account of another person or persons.

18 Sec. 5. (a) This section applies to any of the following that is
19 authorized to do business in Indiana and is engaged in the
20 transportation of carbon dioxide by pipeline:

- 21 (1) A person.
- 22 (2) A firm.
- 23 (3) A partnership.
- 24 (4) A limited liability company.
- 25 (5) A corporation.

26 (b) An entity described in subsection (a) may take, acquire,
27 condemn, and appropriate any of the following to accomplish the
28 transportation of carbon dioxide by pipeline:

- 29 (1) Land.
- 30 (2) Real estate.
- 31 (3) Any permanent or temporary interest in land or real
32 estate.

33 (c) An entity to which subsection (b) applies has all
34 accommodations, rights, and privileges necessary to accomplish the
35 use for which the property is taken.

36 Sec. 6. The taking, acquisition, condemnation, and
37 appropriation authorized by this chapter must be made under
38 IC 32-24-1.

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